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## REMARKS

Reconsideration of the application as amended is requested.

In the Office Action dated March 7, 2007, claims 1-3, 6-7, 11-15, 20, 23-25, 28, 29, 38-40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sielagoski et al. (6,317,679) in view of Tsutsumi et al. (6,175,799). Claims 8-10, 16-19, 21, 22, and 30-37 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sielagoski et al., Tsutsumi et al., and further in view of Butsuen et al. (5,467,283). Claims 4, 5, 26, and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sielagoski et al., Tsutsumi et al., and Fukada et al. (5,627,756). Applicants respectfully assert that all the pending claims, as amended herein, patentably distinguish over the cited references.

Claim 1 recites a method of controlling a vehicle including "determining when the vehicle is in a turn based on a detected change in the vehicle's lateral acceleration". In contrast, neither Sielagoski '679 nor Tsutsumi '799 teach utilization of a change in lateral acceleration to determine when a vehicle is in a turn. Thus, no combination of Sielagoski '679 and Tsutsumi '799 can anticipate claim 1.

In contrast to claim 1, Sielagoski '679 teaches use of an empirical relationship between a *desired* lateral acceleration, vehicle speed, and turn radius to determine a maximum vehicle speed (column 5, lines 39-41) (see also Fig. 4). Restated, Sielagoski '679 utilizes an *estimated* lateral acceleration to limit the vehicle velocity. However, the estimated lateral acceleration is not used to determine when a vehicle is in a turn.

With respect to Tsutsumi '799, Applicant is somewhat unsure of the basis for citing this reference. Specifically, the Office Action states that "the use of the change in lateral acceleration to determine when the vehicle [sic] is well known in the art". This sentence appears to contain a typographical error, and it is therefore unclear what is actually alleged to be "well known in the art". The abstract of Tsutsumi '799 states that "a lateral acceleration imposed on a vehicle body . . . is detected . . . a correction is made on the calculated value of the target vehicular velocity according to a detected value (magnitude) of the lateral

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acceleration (lateral G)". Applicant can find no suggestion whatsoever in Tsutsumi '799 to utilize a detected change in a vehicle's lateral acceleration to determine when a vehicle is in a turn, as recited in amended claim 1.

Clearly, a change in a variable is not at all the same thing as the magnitude of a variable. For example, a vehicle traveling at a constant 100 mph would experience zero change in velocity, and control based upon a magnitude of the velocity versus a change in velocity would likely be completely different.

Claims 3-7 depend from claim 1, and therefore are believed to be allowable for those reasons set forth above in connection with claim 1.

Claim 8 has been rewritten in independent form, and has also been amended to recite the step of "determining if the object is stationary and ignoring the object for braking purposes if the object is determined to be stationary and also not to be in the vehicle's path during a turn."

Applicants respectfully assert that none of the cited references disclosed determining if an object is stationary, such that the cited references cannot anticipate claim 8 even if combined.

Claims 9-10 depend from claim 8, and therefore are believed to be allowable for those reasons set forth above in connection with claim 8.

Claim 11 recites a method including, among other features, determining whether a vehicle is in a turn by detecting change in the vehicle's lateral acceleration. Applicant respectfully asserts that none of the cited references disclose detecting a change in a vehicle's lateral acceleration to determine whether the vehicle is in a turn, such that the cited references cannot anticipate claim 11 even if combined. Furthermore, claim 11 has been amended to recite that the vehicles speed is maintained "if an object is both stationary and positioned out of the path of the vehicle". As discussed above in connection with claim 8, none of the cited references disclose determining if an object is stationary. Accordingly, the cited references can not possibly anticipate claim 11 even if combined for this reason as well.

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Claims 12-19 depend from claim 11, and are therefore believed to be allowable for those reasons set forth above in connection with claim 11.

With respect to independent claim 20, the Office Action states that "the limitations of these claims have been noted in the rejections above. They are therefore considered rejected as set forth above." Independent claim 20 recites a method including "estimating a path for the vehicle in a turn". Neither Sielagoski '679 nor Tsutsumi '799 disclose "estimating a path for the vehicle in a turn", such that no combination of these references can anticipate claim 20. Furthermore, Applicant can find no statement in the Office Action pointing out where Sielagoski '679 or Tsutsumi '799 allegedly disclose this feature. Accordingly, the rejection of claim 20 as being unpatentable over Sielagoski '679 in view of Tsutsumi '799 is believed to be improper, and therefore should be withdrawn.

Claims 21-32 depend from claim 20, and therefore are believed to be allowable for those reasons set forth above in connection with claim 20.

Independent claim 33 has been amended to recite a system for use in controlling a vehicle including, among other features, a controller that determines whether an object is in a vehicle's path during a turn and whether the object is stationary, and the control logic ignores the object for braking purposes when the object is not determined to be both stationary and in the vehicle's path. As discussed above in connection with claim 8, none of the cited references disclose this feature, such that no combination of the cited references can anticipate claim 33.

Claim 34-37 depend from claim 33, and are therefore believed to be allowable for those reasons set forth above in connection with claim 33.

Independent claim 38 recites, among other features, the steps of measuring a vehicle's speed and measuring a vehicle's lateral acceleration. A radius of curvature of the vehicle's path is estimated based on the vehicle's speed and measured lateral acceleration. In contrast, Sielagoski '679 teaches calculating radius of curvature based upon vehicle speed and yaw rate as set forth at column 6, lines 10-15. Furthermore, Tsutsumi '799 also does not teach estimation of a radius of curvature utilizing measured lateral acceleration. Thus, neither Sielagoski '679 nor Tsutsumi '799 teach estimation of a radius of curvature based on vehicle

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speed and measured lateral acceleration, such that no combination of references can anticipate claim 38.

Claims 39 and 40 depend from claim 38, and are therefore believed to be allowable for those reasons set forth above in connection with claim 38.

Applicants have made a concerted effort to the place the present application in condition for allowance, and a notice to this effect is earnestly solicited. In the event there are any remaining informalities, the courtesy of a telephone call to the undersigned attorney would be appreciated.

Respectfully submitted,

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